

Applicant: John Robert Davies  
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### **REMARKS**

This is a response to the Office Action dated February 26, 2009. Claims 19-57 are pending. In the Office Action dated February 26, 2009, Claims 19-57 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,235,295 (“Morgan”) in view of U.S. Patent No. 3,842,890 (“Kramer”).

With this response, claims 19, 34, 35, 41, 51, and 52 have been amended for clarity. These amendments do not add new matter and are fully supported by the specification. Reconsideration of the application is respectfully requested in light of the amendments and the following remarks.

### **INTERVIEW SUMMARY**

On June 23, 2009, a telephone interview took place between the undersigned attorney and Examiner Redman. The claims and prior art were discussed. No agreement was reached.

### **REJECTIONS UNDER 35 U.S.C. § 103(a)**

In the Office Action, Claims 19-57 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Morgan in view of Kramer. Applicants respectfully submit that claims 19-57 are patentable over the combination of Morgan and Kramer because these references, either alone or in combination, fail to disclose each and every limitation of the claims.

Independent claims 19 and 41, as amended, each recite, “a cover for closing [a] receiving pocket when the cover releasably engages [a] first sides of [a] frame, [a] spring-biased roller

being mounted on the cover, the spring-biased roller operatively mounted in the receiving pocket when the cover releaseably engages the first side of the frame.”

Neither the Morgan reference nor the Kramer reference teaches or suggests, either alone or in combination, “a cover for closing [a] receiving pocket when the cover releasably engages [a] first sides of [a] frame, [a] spring-biased roller being mounted on the cover, the spring-biased roller operatively mounted in the receiving pocket when the cover releaseably engages the first side of the frame,” as claimed by Applicants.

In a response dated September 22, 2006, Applicants provided a declaration by John Robert Davies that explained the permanent nature of the structure described in Morgan. As explained in the declaration, one must disassembly the frame and remove fixedly attached portions thereof from the building to which it is affixed in order to access the mesh screen contained therein for maintenance or repair purposes. For example, Mr. Davies explained that one must remove several pieces of the structure in order to finally access the mesh screen, including: paint, caulking or other weather-sealing material, several screws, sheet metal sliding pieces, and a wooden board. Indeed, Morgan specifically teaches away for the claimed apparatus when Morgan explains that,

“It will be noted that the screen is incorporated in the window frame as a permanent fixture. Seasonal installations and removals are thus avoided.”

Morgan, at col.2,1.24 (emphasis added). For at least these reason, Morgan fails to teach or suggest a structure having “a cover for closing [a] receiving pocket when the cover releasably engages [a] first sides of [a] frame, [a] spring-biased roller being mounted on the cover, the spring-biased roller operatively mounted in the receiving pocket when the cover releaseably engages the first side of the frame.”

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Kramer fails to fill the gap because Kramer also fails to disclose or suggest a structure having, “a cover for closing [a] receiving pocket when the cover releasably engages [a] first sides of [a] frame, [a] spring-biased roller being mounted on the cover, the spring-biased roller operatively mounted in the receiving pocket when the cover releaseably engages the first side of the frame.” Rather, the structure described in Kramer is also of a permanent nature. *See, e.g.*, Fig. 6 and corresponding text. Because neither Morgan nor Kramer disclose or suggest the claimed feature their combination cannot disclose or suggest such a feature. Additionally, the Morgan reference teaches away from this feature as noted above, and therefore one of ordinary skill in the art would not be motivated to combine the Morgan and Kramer references. For at least these reasons, independent claims 19 and 41 are patentable over the combination of Morgan and Kramer, and Applicants respectfully request that these rejections of these claims be withdrawn.

Dependent claims 20-40 and 42-57 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Morgan and Kramer. Dependent claims 20-40 and 42-57 depend from claims 19 and 41, respectively. Accordingly, dependent claims 20-40 and 42-57 should be allowed for at least the reasons set forth above for the independent claims, and Applicants respectfully request that these rejections of these claims be withdrawn.


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**CONCLUSION**

Applicants respectfully submit that all of the pending claims are in condition for allowance and seeks early allowance thereof. If for any reason, the Examiner is unable to allow the application in the next Office Action and believes that an interview would be helpful to resolve any remaining issues, he is respectfully requested to contact the attorney on record.

Respectfully submitted,

Date: 6/26/09

  
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